REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed October 24, 2008 ("Office Action"). Claims 49, 51-60, and 63-73 were pending and rejected. To expedite the prosecution and place the present application in condition for allowance, claims 65-66 are cancelled herein without prejudice or disclaimer. Claims 49, 55, 60, 67-70, and 73 are amended herein. Claims 74-75 are newly added. Support for the amendments to the claims presented herein can be found in the specification as originally filed. No new matter is introduced. By this Amendment, claims 49, 51-60, and 67-75 are pending. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Pursuant to Applicant Initiated Interview Request submitted on June 12, 2009, telephonic interviews were conducted on June 15, 2009 and July 20, 2009 between Examiner Saeed and the undersigned. During the interviews, Examiner Saeed suggested possible amendments to the claims to overcome the rejections and the cited prior art and to possibly place the present application in condition for allowance. Applicant agreed. Efforts have been made to present claim amendments consistent with the direction suggested by Examiner Saeed. Applicant appreciates the time and effort taken by Examiner Saeed to review Applicant's present application and to discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. § 101

Claims 49, 51-60, and 65-69 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 65-66 are cancelled herein, rendering the rejection with respect to claims 65-66 moot. Claims 49, 55, 60, and 67-69 are amended herein. Applicant believes that the amendments to presented herein sufficiently overcome the 35 U.S.C. § 101 rejection with respect to claims 49, 51-60, and 67-69. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 49, 51-52, 56-59, 65, 68-70 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0105770 ("MacLeod") in view of U.S. Patent Application Publication No. 2003/0208387 ("VanDusen"), further in view of U.S. Patent No. 6,604,110 ("Savage"). Claims 53-55, 60, 66-67, and 71-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MacLeod in view of VanDusen and Savage and further in view of U.S. Patent Application Publication No. 2004/0187100 ("Thiruvillamalai"). To expedite the prosecution and place the present application in condition for allowance, claims 65-66 are cancelled and claims 49, 55, 60, 67-69, and 70 are amended herein without prejudice or disclaimer. Applicant believes that the cancellation of claims 65-66 renders the rejection with respect to claims 65-66 moot and that the amendments to independent claims 49 and 70 sufficiently overcome the applied combinations of MacLeod, VanDusen, and Savage and MacLeod, VanDusen, Savage, and Thiruvillamalai.

Specifically, in embodiments as claimed in claims 49 and 70, a user can generate, modify, or delete content types through a graphical user interface (GUI) without having to know a programming language. *See* Specification, ¶36. The claimed content types essentially replace conventional templates that required programmers to code. *See* Specification, ¶37. Because the user can model content types in terms of business needs and vocabulary, these content types may be thought of as "recipes" for subsequently instantiated objects from those content types. *See* Specification, ¶38. Thus, instead of having to import legacy data, the user can merely create content types which are persisted at a machine implementing the content management system (e.g., a content management system computer) and which are used by the content management system to instantiate content type objects and content instance objects. *See* Specification, ¶¶38, 51. These objects can then be attached to particular data to allow the content management system to take over management of the legacy data. *Id.*

By contrast, in the applied combinations of MacLeod, VanDusen, and Savage and MacLeod, VanDusen, Savage, and Thiruvillamalai, data migration involves processes which are labor intensive and tedious. *See* Savage, Col. 1, line 45, through Col. 2, line 19. The prior art combinations relied on the teaching of Savage which provides a new way to acquire the metadata of a source database in a manner that allows the acquired metadata to be used to generate diverse type enterprise data management (EDM) applications. *See* Savage, Col. 2,

lines 49-60. However, these EDM applications appear to rely on program code generated directly from the acquired metadata. *Id.* The prior art combinations also relied on the teaching of VanDusen which discloses a similar use of metadata to tag or mark content items. *See* VanDusen, ¶78. Both Savage and VanDusen describe code building. *See* Savage, *supra,* and VanDusen, ¶61. In both Savage and VanDusen, content data appears to be managed by a conventional database management system (DBMS) or content manager local to where the content data is stored. *See* Savage, Figures 1 and 3, and VanDusen, ¶61. The prior art combinations also relied on the teaching of Macleod which discloses a new way to extend a directory schema independent of schema modification. However, directory-based technologies such as Macleod generally provide paths to data stored in the databases (and perhaps some metadata about the stored data), but do not manage or control the actual data stored in the databases. The prior art combinations also relied on the teaching of Thiruvillamalai which discloses a type construct such as a C++ template instantiated at compile time to generate a data store that contains arbitrarily typed data objects. *See* Thiruvillamalai, Abstract. At the time the invention was made, there was not an apparent reason that would have motivated a person of ordinary skill in the art to modify Macleod and VanDusen with Savage or modify Macleod, VanDusen, and Savage with Thiruvillamalai. Further, at the time of the invention, a person of ordinary skill in the art could not have combined the elements as claimed in claims 49 and 70 by known methods of Macleod, VanDusen, Savage, and Thiruvillamalai with no change in their respective functions. Moreover, the applied combinations of Macleod, VanDusen, and Savage, and Macleod, VanDusen, Savage, and Thiruvillamalai lack the content management system where the content types are persisted, where content type objects are instantiated, and where legacy data is managed over a network, as recited in claims 49 and 70.

On July 20, 2009, Examiner Saeed suggested amending claims 49 and 70 to further define the terms "workflow" and "policy annotation" recited therein and to point out how "workflow" and "policy annotation" work within the context of claims 49 and 70. Applicant has amended claims 49 and 70 in accordance with Examiner Saeed's suggestion and in view of the specification as originally filed, particularly paragraphs 37, 42-43, 45, and 49. Specifically, claims 49 and 70 are amended herein to recite, among others, "wherein one of the content types comprises a policy annotation, and wherein the policy annotation comprises management information for putting content instance objects created from the content type through a workflow associated with the content type." No new matter is introduced.

For one or more of the foregoing reasons, Applicant believes that claims 49 and 70, as amended, are patentable under 35 U.S.C. § 103(a) over the applied combinations of Macleod, VanDusen, and Savage, and Macleod, VanDusen, Savage, and Thiruvillamalai. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, claims 51-60, and 67-69, and 71-73 are submitted to be also patentable under 35 U.S.C. § 103(a) over the applied combinations of Macleod, VanDusen, and Savage, and Macleod, VanDusen, Savage, and Thiruvillamalai. Accordingly, withdrawal of these rejections is respectfully requested.

New Claims 74 and 75

Newly added claim 74 depends from claim 70. Reliance is placed on *In re Fine* for the patentability of claim 74 as it depends from claim 70 which is submitted above as being patentable over the art of record.

Newly added independent claim 75 is directed to a system comprising an embodiment of claim 74. Specifically, claim 75 recites, among others, a content management system comprising a processor, a memory, and a computer readable storage medium storing computer instructions executable by the processor to perform particular functions, including "generate a set of content types to represent the legacy data in the content management system, wherein at least one of the set of content types is defined by a user through a graphical user interface of a client computer connected to the content management system, wherein one of the content types comprises a policy annotation, and wherein the policy annotation comprises management information for putting content instance objects created from the content type through a workflow associated with the content type." For similar reasons as submitted above with respect to claims 49 and 70, Applicant believes that claim 75 is also patentable over the applied prior art combinations of Macleod, VanDusen, and Savage, and Macleod, VanDusen, Savage, and Thiruvillamalai.. In view of the foregoing, favorable consideration of claims 74-75 is respectfully requested.

CONCLUSION

Applicant has now made an earnest attempt to place the present application in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 49, 51-60, and 67-75. The Examiner is invited to telephone the undersigned at the number listed below for discussing an Examiner's Amendment or any suggested actions for accelerating prosecution and moving the present application to allowance.

An extension of one (1) month is requested and a Notification of Extension of Time Under 37 C.F.R. § 1.136 with the appropriate fee is enclosed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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Date: July 21, 2009

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